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LB 876

procedure eliminates the demur procedure, and several other procedures that the defendant can avail by motion. It substitutes the requirement that the defendant make his or her case by motion or answer. Such a system diminishes the plaintiff's burden to initially plead his or her entire case at the time of filing the petition, and instead requires the plaintiff to simply put the defendant on notice of the cause of action. Over recent years Nebraska has consistently modified its civil procedure code to incorporate features of a notice pleading system. In other words, we have...partially have a notice pleading system. Examples: we have pretrial discovery procedures that have been implemented, allowing for depositions; interrogatories; requests for admissions; and the like. We have pattern jury instructions that have been created, eliminating the impact of the pleadings on jury instructions. And we have judges' control over scope and extent of litigation as having been increased. The nineteenth century practice of determining the scope and extent of the litigation at the time of pleading is not appropriate for contemporary complex litigation in the twenty-first century. As litigation has become increasingly protracted and pretrial procedures have been created to accommodate that protraction, parties may not know, at the outset, key facts or theories of their claims or of the existence of additional parties and such. Moreover, the effort to initially set the scope for trial through pleadings, only to be followed by a discovery process of interrogatories, examination of records, and depositions, often results in duplicative and wasteful effort. The federal rules of civil procedure utilized throughout the entirety of the federal judicial system are notice pleading...notice pleadings. It is a notice pleading system. We used it as a model. LB 876 includes all the important statutory sections that need to be adopted, amended, or repealed to make the change over from Nebraska's pleading statutes. In addition, the bill amends a number of statutes to bring the titles of or names for the pleadings into conformity with the changes to the civil procedure sections. LB 876 is an adoption of the work of the Supreme Court...Nebraska Supreme Court's committee on practice and procedure. Having time available to me, I am going to continue in order to utilize the time efficiently. We have a committee amendment to LB 876. The amendment maintains the objective of